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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/809,575
Filing Date: March 25, 2004
Appellant(s): DE MES, ARJAN

Arthur J Samodovitz
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 01/21/2010 appealing from the Office action mailed on 07/07/09. Claims 34, 35, 37, 46, 47, and 49 are Appealed.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

Claims 34, 35, 37, 38, 39, 41, 46, 47, 49, 50, 51, and 52 are pending and Finally rejected.

Claims 34, 35, 37, 46, 47, and 49 are Appealed.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20040003351	SOMMERER	06-2002
20040073713	PENTIKAINEN	12-2001
20020129164	VAN DER MEULEN	09-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34, 35, 37-39, 41, 46, 47, 49-51, and 53 rejected under 35 U.S.C. 103(a) as being unpatentable over Sommerer (US Publication 2004/0003351) in view of Pentikainen (US Publication 2004/0073713) and in further view of Van Der Meulen (US Publication 2002/0129164).

With respect to claim 34, Sommerer discloses a method for displaying a web browsing history, said method comprising the steps of:

displaying, in response to a search request for recently visited web sites received from a web browser within a client computer connected to a computer network, a list of names of web sites visited by a user of said client computer, said list of names of said web sites recently visited being displayed on a display screen of said client computer (Sommerer: Abstract, lines 1-18; Paragraph 37, lines 1-16; Paragraph 38, lines 1-15; Paragraph 57, lines 1-32);

However, Sommerer does not explicitly disclose displaying in an order based on a time since last visit by said user to a respective web site of said recently visited web sites displayed.

The Pentikainen reference, discloses a table of names of web sites viewable in an order based on a time since last visit by a user to a respective web site of the web sites displayed (Pentikainen: Paragraph 100, lines 1-26).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Sommerer with the teachings of Pentikainen for displaying a list of recently visited web site names in an order based on a time since last visit by a user to a respective web site of said recently visited web sites displayed in said list for controlling display of data in the form of content pages (Pentikainen: Paragraph 1, lines 5-6).

Sommerer in view of Pentikainen discloses:

displaying an ordered web site name list display; wherein said ordered web site name list display consists essentially of said list of names of said web sites in a chronological order based on a respective time since last visit by said

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user (Sommerer: Abstract, lines 1-18; Paragraph 37, lines 1-16; Paragraph 38, lines 1-15; Paragraph 57, lines 1-32; Pentikainen: Paragraph 100, lines 1-26).

However, Sommerer and Pentikainen do not explicitly disclose:

displaying next to each of said names of said web sites, a respective graphic having an intensity that corresponds to a respective time since last visit by said user to said each of said web sites displayed, said respective graphic next to a respective name of a respective web site having an intensity that corresponds to said respective time since last visit by said user.

The Van Der Meulen reference, discloses displaying next to each names of web sites a respective graphic having intensity that corresponds to the level of validity of the first path associated with each web site displayed (Van Der Meulen: Paragraph 49, lines 14-43; Figures 2-3).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Sommerer and Pentikainen with the teachings of Van Der Meulen for displaying next to each of said names of said web sites, a respective graphic having an intensity that corresponds to a respective time since last visit by said user to said each of said web sites displayed, said respective graphic next to a respective name of a respective web site having an intensity that corresponds to said respective time since last visit by said user for enabling efficient update of a user interface element with time (Van Der Meulen: Paragraph 9, lines 1-3).

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With respect to claim 35, Sommerer in view of Pentikainen and in further view of Van Der Meulen discloses a method as set forth in claim 34, wherein said intensity of said respective graphic next to a name of a respective newer web site in said list of names of web sites displayed on said display screen of said client computer is more intense for a newer web site more recently visited by said user than said intensity of said respective graphic next to another name of another older web site in said list of names of said web sites that corresponds to an older web site less recently visited by said user (Sommerer: Abstract, lines 1-18; Paragraph 57, lines 1-32; Pentikainen: Paragraph 100, lines 1-26; Van Der Meulen: Paragraph 49, lines 14-43; Figures 2-3).

With respect to claim 37, Sommerer in view of Pentikainen and in further view of Van Der Meulen discloses a method as set forth in claim 35, wherein said respective graphic next to said respective newer web site in said list of names of said web sites adjoins with said another respective graphic next to said another older web site to form a gradient bar corresponding to said list of names of said recently visited web sites (Sommerer: Paragraph 57, lines 1-32; Van Der Meulen: Paragraph 49, lines 14-43; Figures 2-3; Here the graphics for multiple web site can adjoin each other to form a generally rectangular region perpendicular to the web site names, and combined with the various color intensities of the graphics can be similar to a gradient bar).

With respect to claim 38, Sommerer discloses a method for displaying a web browsing history, said method comprising the steps of:

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displaying, in response to a search request for visited web sites received from a web browser within a client computer, a list of names of web sites visited by a user of said client computer, said list of names of said web sites being displayed on a display screen of said client computer connected to a computer network (Sommerer: Abstract, lines 1-18; Paragraph 37, lines 1-16; Paragraph 38, lines 1-15; Paragraph 57, lines 1-32);

However, Sommerer does not explicitly disclose displaying in an order based on frequency of visits by said user.

The Pentikainen reference, discloses a table of names of web sites viewable in an order based on frequency of visits by said user (Pentikainen: Paragraph 100, lines 1-26).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Sommerer with the teachings of Pentikainen for displaying a list of recently visited web site names in an order based on frequency of visits by said user for controlling display of data in the form of content pages (Pentikainen: Paragraph 1, lines 5-6).

Sommerer in view of Pentikainen discloses:

displaying ordered web site name list display consists essentially of said list of names of said web sites in a chronological order based on frequency of visits by said user (Sommerer: Abstract, lines 1-18; Paragraph 37, lines 1-16; Paragraph 38, lines 1-15; Paragraph 57, lines 1-32; Pentikainen: Paragraph 100, lines 1-26).

However, Sommerer and Pentikainen do not explicitly disclose:

displaying next to each of said names of said web sites, a respective graphic having an intensity that corresponds to a frequency of visits by said user to a respective web site in said list of names of said web sites displayed to provide an ordered web site name list display, said respective graphic next to a respective name of a respective web site having an intensity that corresponds to said frequency of visits to said respective web site by said user.

The Van Der Meulen reference, discloses displaying next to each names of web sites a respective graphic having intensity that corresponds to the level of validity of the first path associated with each web site displayed (Van Der Meulen: Paragraph 49, lines 14-43; Figures 2-3).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Sommerer and Pentikainen with the teachings of Van Der Meulen for displaying next to each of said names of said web sites, a respective graphic having an intensity that corresponds to a frequency of visits by said user to a respective web site in said list of names of said web sites displayed to provide an ordered web site name list display, said respective graphic next to a respective name of a respective web site having an intensity that corresponds to said frequency of visits to said respective web site by said user for enabling efficient update of a user interface element with time (Van Der Meulen: Paragraph 9, lines 1-3).

With respect to claim 39, Sommerer in view of Pentikainen and in further view of Van Der Meulen discloses a method as set forth in claim 38, wherein said intensity of

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said respective graphic next to a name of a respective web site in said list of names of web sites displayed on said display screen of said client computer is more intense for a web site more frequently visited by said user than said intensity of said respective graphic next to another name of another web site in said list of names of said web sites that corresponds to another web site less frequently visited by said user (Sommerer: Abstract, lines 1-18; Paragraph 57, lines 1-32; Pentikainen: Paragraph 100, lines 1-26; Van Der Meulen: Paragraph 49, lines 14-43; Figures 2-3).

With respect to claim 41, Sommerer in view of Pentikainen and in further view of Van Der Meulen discloses a method as set forth in claim 39, wherein said respective graphic next to said respective web site in said list of names of said web sites adjoins with said another respective graphic next to said another web site to form a gradient bar corresponding to said list of names of said web sites frequently visited (Sommerer: Paragraph 57, lines 20-27; Van Der Meulen: Paragraph 49, lines 14-43; Figures 2-3; Here the graphics for multiple web site can adjoin each other to form a generally rectangular region perpendicular to the web site names, and combined with the various color intensities of the graphics can be similar to a gradient bar).

With respect to claim 46, Sommerer discloses a computer program product stored on a computer readable storage medium for displaying to a user a web browsing history on a client computer system connected to a network and having a central processing unit (Sommerer: Figure 12), said computer program product comprising:

a computer readable storage medium (Sommerer: Figure 12);

first program instructions to display, on a display screen of said client computer system and responsive to a search request for recently visited web sites received from a web browser within said client computer system, a list of names of web sites recently visited by a user of said client computer system, said list of names of said web sites being displayed on a display screen of said client computer system (Sommerer: Abstract, lines 1-18; Paragraph 37, lines 1-16; Paragraph 38, lines 1-15; Paragraph 57, lines 1-32);

However, Sommerer does not explicitly disclose displaying in an order based on a time since last visit by said user to a respective web site of said recently visited web sites displayed.

The Pentikainen reference, discloses a table of names of web sites viewable in an order based on a time since last visit by a user to a respective web site of the web sites displayed (Pentikainen: Paragraph 100, lines 1-26).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Sommerer with the teachings of Pentikainen for displaying a list of recently visited web site names in an order based on a time since last visit by a user to a respective web site of said recently visited web sites displayed in said list for controlling display of data in the form of content pages (Pentikainen: Paragraph 1, lines 5-6).

Sommerer in view of Pentikainen discloses:

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displaying an ordered web site name list display; wherein said ordered web site name list display consists essentially of said list of names of said web sites in a chronological order based on a respective time since last visit by said user (Sommerer: Abstract, lines 1-18; Paragraph 37, lines 1-16; Paragraph 38, lines 1-15; Paragraph 57, lines 1-32; Pentikainen: Paragraph 100, lines 1-26).

However, Sommerer and Pentikainen do not explicitly disclose:

second program instructions to display, next to each of said names of said web sites, of a respective graphic having an intensity that corresponds to a respective time since last visit by said user to said each of said web sites displayed to provide an ordered web site name list display; said respective graphic next to a respective name of a respective web site having an intensity that corresponds to said respective time since last visit by said user.

The Van Der Meulen reference, however, discloses displaying next to each names of web sites a respective graphic having intensity that corresponds to the level of validity of the first path associated with each web site displayed (Van Der Meulen: Paragraph 49, lines 14-43; Figures 2-3).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Sommerer and Pentikainen with the teachings of Van Der Meulen for displaying next to each of said names of said web sites, a respective graphic having an intensity that corresponds to a respective time since last visit by said user to said each of said web sites displayed, said respective graphic next to a respective name of a respective web site having an intensity that

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corresponds to said respective time since last visit by said user for enabling efficient update of a user interface element with time (Van Der Meulen: Paragraph 9, lines 1-3).

Sommerer in view of Pentikainen and in further view of Van Der Meulen discloses:

said first and second program instructions are recorded on said storage medium for execution by said central processing unit of said client computer system for displaying said web browsing history to said user (Sommerer: Figure 12; Van Der Meulen: Figure 4).

With respect to claim 47, Sommerer in view of Pentikainen and in further view of Van Der Meulen discloses a computer program product as set forth in claim 46, wherein said intensity of said respective graphic next to a name of a respective newer web site in said list of names of web sites displayed on said display screen of said client computer is more intense for a newer web site more recently visited by said user than said intensity of said respective graphic next to another name of another older web site in said list of names of web sites that corresponds to an older web site less recently visited by said user (Sommerer: Abstract, lines 1-18; Paragraph 57, lines 1-32; Pentikainen: Paragraph 100, lines 1-26; Van Der Meulen: Paragraph 49, lines 14-43; Figures 2-3).

With respect to claim 49, Sommerer in view of Pentikainen and in further view of Van Der Meulen discloses a computer program product as set forth in claim 47, wherein

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said respective graphic next to said respective newer web site in said list of names of said web sites adjoins with said another respective graphic next to said another older web site to form a gradient bar corresponding to said list of names of said web sites (Sommerer: Paragraph 57, lines 20-27; Van Der Meulen: Paragraph 49, lines 14-43; Figures 2-3; Here the graphics for multiple web site can adjoin each other to form a generally rectangular region perpendicular to the web site names, and combined with the various color intensities of the graphics can be similar to a gradient bar).

With respect to claim 50, Sommerer discloses a computer program product stored on a computer readable storage medium for displaying to a user a web browsing history on a client computer system connected to a network and having a central processing unit (Sommerer: Figure 12), said computer program product comprising:

a computer readable storage medium (Sommerer: Figure 12);

first program instructions to display, on a display screen of said client computer system and responsive to a search request for visited web sites received from a web browser within said client computer system, a list of names of web sites visited by a user of said client computer system, said list of names of said web sites being displayed on a display screen of said client computer system (Sommerer: Abstract, lines 1-18; Paragraph 37, lines 1-16; Paragraph 38, lines 1-15; Paragraph 57, lines 1-32);

However, Sommerer does not explicitly disclose displaying in an order based on frequency of visits by said user.

The Pentikainen reference, discloses a table of names of web sites viewable in an order based on frequency of visits by said user (Pentikainen: Paragraph 100, lines 1-26).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Sommerer with the teachings of Pentikainen for displaying a list of recently visited web site names in an order based on frequency of visits by said user for controlling display of data in the form of content pages (Pentikainen: Paragraph 1, lines 5-6).

Sommerer in view of Pentikainen discloses:

displaying ordered web site name list display consists essentially of said list of names of said web sites in a chronological order based on frequency of visits by said user (Sommerer: Abstract, lines 1-18; Paragraph 37, lines 1-16; Paragraph 38, lines 1-15; Paragraph 57, lines 1-32; Pentikainen: Paragraph 100, lines 1-26).

However, Sommerer and Pentikainen do not explicitly disclose:

second program instructions to display, next to each of said names of said web sites, of a respective graphic having an intensity that corresponds to a frequency of visits by said user to a respective web site in said list of names of said web sites displayed to provide an ordered web site name list display; said respective graphic next to a respective name of said respective web site having an intensity that corresponds to said frequency of visits to said respective web site by said user;

The Van Der Meulen reference, discloses displaying next to each names of web sites a respective graphic having intensity that corresponds to the level of validity of the

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first path associated with each web site displayed (Van Der Meulen: Paragraph 49, lines 14-43; Figures 2-3).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Sommerer and Pentikainen with the teachings of Van Der Meulen for a second program instructions to display, next to each of said names of said web sites, of a respective graphic having an intensity that corresponds to a frequency of visits by said user to a respective web site in said list of names of said web sites displayed to provide an ordered web site name list display; said respective graphic next to a respective name of said respective web site having an intensity that corresponds to said frequency of visits to said respective web site by said user for enabling efficient update of a user interface element with time (Van Der Meulen: Paragraph 9, lines 1-3).

Sommerer in view of Pentikainen and in further view of Van Der Meulen discloses:

said first and second program instructions are recorded on said storage medium for execution by said central processing unit of said client computer system for displaying said web browsing history to said user (Sommerer: Figure 12; Van Der Meulen: Figure 4).

With respect to claim 51, Sommerer in view of Pentikainen and in further view of Van Der Meulen discloses a computer program product as set forth in claim 50, wherein said intensity of said respective graphic next to a name of a respective web site in said

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list of names of web sites displayed on said display screen of said client computer is more intense for a web site more frequently visited by said user than said intensity of said respective graphic next to another name of another web site in said list of names of said web sites that corresponds to another web site less frequently visited by said user (Sommerer: Abstract, lines 1-18; Paragraph 57, lines 1-32; Pentikainen: Paragraph 100, lines 1-26; Van Der Meulen: Paragraph 49, lines 14-43; Figures 2-3).

With respect to claim 53, Sommerer in view of Pentikainen and in further view of Van Der Meulen discloses a computer program product as set forth in claim 51, wherein said respective graphic next to said respective web site in said list of names of web sites adjoins with said another respective graphic next to said another web site to form a gradient bar corresponding to list of names of said web sites (Sommerer: Paragraph 57, lines 1-32; Van Der Meulen: Paragraph 49, lines 14-43; Figures 2-3; Here the graphics for multiple web site can adjoin each other to form a generally rectangular region perpendicular to the web site names, and combined with the various color intensities of the graphics can be similar to a gradient bar).

(10) Response to Argument

Appellant argues that “the step of displaying next to each of the names of the web sites, a respective graphic having an intensity that corresponds to a respective time since last visit by the user to provide an ordered web site name list display” is not taught or suggested by the prior art.

Examiner respectfully disagrees all of the allegations as argued. Examiner, in his previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art.

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be ‘given the broadest reasonable interpretation consistent with the specification.’ Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Sommerer discloses in Abstract lines 1-18, Paragraph 37 lines 1-16, Paragraph 38 lines 1-15, and Paragraph 57 lines 1-32 about a browser session navigation tool that allows a user to browse previously viewed resource pages during a browser session in response to a user search request. Sommerer discloses that the search result can be presented **in sequential format as a list of visits** to the resource pages **in the order of access time**. Sommerer discloses the result can be presented in the time order of

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page access (Sommerer: Paragraph 37, lines 1-16).

However, Sommerer does not **explicitly** disclose displaying in ***an order based on a time since last visit*** by said user to a respective web site of said recently visited web sites displayed.

The Pentikainen reference discloses accessing a browsing history browsed over a specified period of time, the browsing history stored in the form of a table viewable in a sorting order based on ***last visited*** page by a user to a respective web site of the web sites displayed (Pentikainen: Paragraph 100, lines 1-26).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Sommerer with the teachings of Pentikainen for displaying a list of recently visited web site names in an order based on a time since last visit by a user to a respective web site of said recently visited web sites displayed in said list for controlling display of data in the form of content pages (Pentikainen: Paragraph 1, lines 5-6).

Sommerer in view of Pentikainen discloses displaying an ordered list of names of web sites in ***a chronological order based on a respective time*** since last visit by said user (Sommerer: Paragraph 37, lines 1-16; Pentikainen: Paragraph 100, lines 1-26).

Sommerer also discloses indicating search results for a browser session with ***colored vertical bars*** in the navigation overview (Sommerer: Paragraph 57, lines 17-20).

Sommerer further discloses that search results may be highlighted in a same color or with ***varied intensity of color*** to reflect the quality of a match with respect to the search query (Sommerer: Paragraph 57, lines 20-32).

However, Sommerer and Pentikainen do not **explicitly** disclose **displaying next to each of said names of said web sites, a respective graphic having an intensity** that corresponds to a respective time since last visit by said user to said each of said web sites displayed, said **respective graphic next to a respective name of a respective web site having an intensity that corresponds to said respective time since last visit by said user.**

The Van Der Meulen reference discloses displaying next to each bookmark a visual indicator such as a graphical gauge that can show three different filling levels leading to three different indicators that correspond to the level of validity of the first path associated with each web site bookmarks displayed (Van Der Meulen: Paragraph 49, lines 14-43; Figures 2-3; Here the respective graphical gauge next to a bookmark of a web site has a level or intensity that corresponds to validity).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Sommerer and Pentikainen with the teachings of Van Der Meulen for displaying next to each of said names of said web sites, a respective graphic having an intensity that corresponds to a respective time since last visit by said user to said each of said web sites displayed, said respective graphic next to a respective name of a respective web site having an intensity that corresponds to said respective time since last visit by said user for enabling efficient update of a user interface element with time (Van Der Meulen: Paragraph 9, lines 1-3).

For the above reasons, Examiner believed that rejection of the last Office action was proper.

Appellant argues that the Sommerer reference does not disclose or suggest "different shade intensities to indicate respective times since last visit by the user to a web site (or page)".

Appellant argues that the Pentikainen reference does not disclose or suggest "different shade intensities to indicate respective times since last visit by the user to a web site (or page)".

Appellant argues that the Van Der Meulen reference does not disclose or suggest "different shade intensities to indicate respective times since last visit by the user to a web site (or page)".

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

It should also be noted that Appellant's **claimed** invention **does not** include the feature "***different shade intensities***".

Appellant argues that the references do not form a prima facie case of obviousness.

In response to appellant's argument, a prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. Once such a case is

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established, it is incumbent upon appellant to go forward with objective evidence of unobviousness. In re Fielder, 471 F.2d 640, 176 USPQ 300 (CCPA 1973).

Appellant argues that the Sommerer, Pentikainen, and Van Der Meulen references do not disclose or suggest "different shade intensities to indicate respective times since last visit by the user to a web site (or page)".

Sommerer in view of Pentikainen discloses displaying an ordered list of names of web sites in ***a chronological order based on a respective time*** since last visit by said user (Sommerer: Paragraph 37, lines 1-16; Pentikainen: Paragraph 100, lines 1-26).

Sommerer also discloses indicating search results for a browser session with ***colored vertical bars*** in the navigation overview (Sommerer: Paragraph 57, lines 17-20).

Sommerer further discloses that search results may be highlighted in a same color or with ***varied intensity of color*** to reflect the quality of a match with respect to the search query (Sommerer: Paragraph 57, lines 20-32).

However, Sommerer and Pentikainen do not ***explicitly*** disclose ***displaying next to each of said names of said web sites, a respective graphic having an intensity that corresponds to a respective time since last visit by said user to said each of said web sites displayed, said respective graphic next to a respective name of a respective web site having an intensity that corresponds to said respective time since last visit by said user.***

The Van Der Meulen reference discloses displaying next to each bookmark a visual indicator such as a graphical gauge that can show three different filling levels

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leading to three different indicators that correspond to the level of validity of the first path associated with each web site bookmarks displayed (Van Der Meulen: Paragraph 49, lines 14-43; Figures 2-3; Here the respective graphical gauge next to a bookmark of a web site has a level or intensity that corresponds to validity).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Sommerer and Pentikainen with the teachings of Van Der Meulen for displaying next to each of said names of said web sites, a respective graphic having an intensity that corresponds to a respective time since last visit by said user to said each of said web sites displayed, said respective graphic next to a respective name of a respective web site having an intensity that corresponds to said respective time since last visit by said user for enabling efficient update of a user interface element with time (Van Der Meulen: Paragraph 9, lines 1-3).

It should also be noted that Appellant's **claimed** invention **does not** include the feature "***different shade intensities***".

Appellant argues that the feature would not have been obvious in view of Sommerer because "time since last visit" is not conceptually an intensity/percentage level.

Appellant states that "time since last visit" **is not** conceptually an intensity/percentage level, **however**, Appellant's invention **is** claiming "**a respective graphic having an intensity that corresponds to a respective time** since last visit by

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said user to said each of said web sites". Therefore, Appellant's argument is not persuasive.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Rezwanul Mahmood/

Examiner, Art Unit 2164

Conferees:

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164

/Pierre M. Vital/

Supervisory Patent Examiner, Art Unit 2156